

SEYFARTH SHAW LLP
 Michael J. Burns (SBN 172614)
 E-mail: mburns@seyfarth.com
 Michael T. McKeeman (SBN 173662)
 E-mail: mmckeeman@seyfarth.com
 Joseph J. Orzano (SBN 262040)
 E-mail: jorzano@seyfarth.com
 560 Mission Street, Suite 3100
 San Francisco, California 94105
 Telephone: (415) 397-2823
 Facsimile: (415) 397-8549

Attorneys for Big O Tires, LLC

LAGARIAS & BOULTER LLP
 Peter C. Lagarias (SBN 77091)
 E-mail: pcl@lb-attorneys.com
 Robert S. Boulter (SBN 153549)
 E-mail: rsb@lb-attorneys.com
 1629 Fifth Avenue
 San Rafael, California 94901-1828
 Telephone: (415) 460-0100
 Facsimile: (415) 460-1099

Attorneys for Sonoma Tires, Inc. and
 John G. Rhiel, IV

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SONOMA TIRES, INC., a California
 Corporation,

Plaintiff,

v.

BIG O TIRES, LLC, a Colorado Limited
 Liability Company,

Defendant.

) Case No. C 11-0818 RS

)
) **STIPULATION REGARDING**
) **LITIGATION DEADLINES AND**
) **[PROPOSED] ORDER**

) **[L.R. 7-12]**

) **Date: October 25, 2012**

) **Time: 1:30 p.m.**

) **Place: Courtroom 3**
)
)
)
)
)
)

1 Big O Tires, LLC (“Big O”), on the one hand, and Sonoma Tires, Inc. (“Sonoma”) and
2 John G. Rhie, IV (“Rhie”), on the other hand, (collectively, “Parties”) by and through their
3 respective undersigned counsel, hereby stipulate and jointly request that the Court issue an Order
4 as follows:

5 WHEREAS, Big O has filed a Motion for Summary Judgment initially set for hearing
6 on October 11, 2012.

7 WHEREAS, Sonoma has filed a Motion for Partial Summary Judgment initially set for
8 hearing on October 11, 2012.

9 WHEREAS, after filing the above motions, the parties participated in a private mediation
10 on September 14, 2012. At the mediation, a complex settlement proposal was discussed. The
11 proposal involves the acquisition of the Sonoma store by Big O.

12 WHEREAS, the Court continued the hearing on the parties’ respective motions to allow
13 time for Big O to evaluate the potential settlement. [See Dkt. No. 57] The hearing date is
14 currently set for October 25, 2012, with Oppositions due October 2, 2012, and Replies due
15 October 11, 2012. [Id.]

16 WHEREAS, Big O has requested additional time to evaluate the potential settlement.
17 Big O is presently reviewing and analyzing additional financial and accounting data provided by
18 Sonoma to determine whether to proceed with a detailed evaluation of the proposal. Big O
19 requires certain corporate decision makers to participate in the decision to further evaluate the
20 settlement. Big O expects that, due to the significant nature of the potential transaction and the
21 travel schedules and press of business of its employees, that its decision to further evaluate the
22 proposal will require at least two to three additional weeks followed by a detailed valuation of
23 the business. A detailed valuation of the business is expected to require, at a minimum,
24 additional financial analysis and a visit to the Sonoma store to inspect inventory and equipment
25 to support that valuation.

26 WHEREAS, the settlement proposal takes into consideration attorneys’ fees incurred by
27 the parties. The parties do not wish to incur unnecessary litigation costs while Big O evaluates

28 //

1 the potential settlement, nor do the parties wish to burden the Court with potentially unnecessary
2 motion practice.

3 WHEREAS, the parties desire and jointly request that the October 25, 2012 hearing on
4 Sonoma's Motion for Partial Summary Judgment and Big O's Motion for Summary Judgment be
5 continued to December 13, 2012, the deadline for the parties to file and serve Oppositions to the
6 pending motions be continued from October 2, 2012 to November 20, 2012, and the deadline to
7 file and serve a Reply to the respective Oppositions be continued from October 11, 2012 to
8 November 29, 2012.

9 WHEREAS, the parties further desire and jointly request that the trial date in this action
10 be continued from December 10, 2012 to March 24, 2013 or as soon thereafter as is convenient
11 for the Court and that additional remaining litigation deadlines be continued accordingly,
12 including expert discovery deadlines, the deadline to file pretrial statements, and the pretrial
13 conference. The parties desire this continuance so that they need not incur potentially
14 unnecessary litigation expenses conducting expert discovery and preparing for trial and so that
15 the Court may hear the pending motions prior to expert discovery and trial preparation.

16 **IT IS THEREFORE STIPULATED AND JOINTLY REQUESTED** that:

- 17 1. The Court order that the October 25, 2012 hearing on Sonoma's Motion for
18 Partial Summary Judgment and Big O's Motion for Summary Judgment be
19 continued to December 13, 2012.
- 20 2. The Court order that the deadline for the parties to file and serve Oppositions to
21 the pending motions be continued from October 2, 2012 to November 20, 2012.
- 22 3. The Court order that the deadline for the parties to file and serve a Reply to the
23 respective Oppositions be continued from October 11, 2012 to November 29,
24 2012.
- 25 4. The Court continue the trial date in this action approximately three months from
26 December 10, 2012 to March 24, 2013 or as soon thereafter as is convenient for
27 the Court.

28 //

- 1 5. The Court continue the expert discovery deadlines so that Plaintiff's deadline to
2 disclose expert testimony and reports will be January 4, 2013, Defendant's
3 deadline to disclose expert testimony and reports will be January 18, 2013, and all
4 expert discovery shall be completed on or before February 4, 2013.
- 5 6. The Court continue the pretrial conference and deadline to file the joint pretrial
6 statement in accordance with the continued trial date.

7 **IT IS SO STIPULATED.**

8
9 Dated: September 28, 2012

SEYFARTH SHAW LLP

10 By /s/ Joseph J. Orzano
11 Joseph J. Orzano
12 Attorneys for Big O Tires, LLC

13 Dated: September 28, 2012

LAGARIAS & BOULTER, LLP

14 By /s/ Peter C. Lagarias
15 Peter C. Lagarias
16 Attorneys for Sonoma Tires, Inc. and
17 John G. Rhiel, IV

18
19 **~~[PROPOSED]~~ ORDER**

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED,**

- 21 1. The October 25, 2012 hearing on Sonoma's Motion for Partial Summary
22 Judgment and Big O's Motion for Summary Judgment is continued to December
23 13, 2012.
- 24 2. The deadline for the parties to file and serve Oppositions to the pending motions
25 is continued from October 2, 2012 to November 20, 2012.
- 26 3. The deadline for the parties to file and serve a Reply to the respective Oppositions
27 is continued from October 11, 2012 to November 29, 2012.

28 //

1 4. The last day for Plaintiff to disclose expert testimony and reports is continued to
2 January 4, 2013.

3 5. The last day for Defendant to disclose expert testimony and reports is continued
4 to January 18, 2013.

5 6. All expert discovery shall be completed on or before February 4, 2013.

6 7. The parties shall meet and confer and file a Joint Pretrial Statement on or before
7 February 28, 2013.

8 8. The pretrial conference is continued to ^{April 4, 2013} ~~March 14~~, 2013 at 10 a.m.

9 9. The trial date is continued to ^{April 22,} ~~March 24~~, 2013 at 9 a.m.

10
11 Dated: 10/1/12


The Honorable Richard Seeborg

12
13
14 14882519v.1